GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

STARRED QUESTION NO:2
ANSWERED ON:25.07.2005
GUIDELINES FOR CHILD LABOUR
Agarwal Shri Dhirendra;Yadav Shri M. Anjan Kumar

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the Supreme Court has recently issued some guidelines in regard to child labour;

(b) if so, the details thereof;

(c) whether some State Governments are not complying with the aforesaid guidelines;

(d) if so, the details thereof State-wise and the action being taken by the Government to ensure compliance of the aforesaid guidelines by such States; and

(e) the outcome of the action taken?

Answer

MINISTER OF LABOUR AND EMPLOYMENT(SHRI K. CHANDRASEKHAR RAO)

(a) to (e): A Statement is laid on the Table of the House.

Statement referred to in reply to part (a) to (e) of the Lok Sabha Starred Question No. 2 for answer on 25.7.2005 regarding Guidelines for Child Labour.

(a): Guidelines have been issued with regard to child labour by the Hon`ble Supreme Court in their Judgement passed in 1996 in the case of M.C. Mehta Vs. State of Tamil Nadu and Others.

(b): The main directions given in the judgement passed in 1996 include the following:

Undertaking and completing the survey to identity and enumerate working children employed in hazardous industries/occupations/processes within a period of six months.

Payment of compensation amounting to Rs. 20,000/- for every child employed in hazardous industries/occupations/processes by the offending employer.

Constitution of Child Labour Rehabilitation-cum-Welfare Fund.

Investment of the corpus of the Fund in a manner, which will yield the best possible return.

Giving alternative employment to an able bodied adult members of every family, which had sent its child (children) for employment in hazardous industry/occupation/process. In the event of failure to do so, ensure deposit by the State Government @ Rs. 5000/- per child into the corpus of the Child Labour Rehabilitation-cum-Welfare Fund.

Provision of access to educational opportunity to all children withdrawn from hazardous work in a suitable educational institution.

Providing access to educational opportunity for at least two hours a day for children in non-hazardous jobs and permitting them to work from four to six hours a day.

Opening a separate Cell in the Labour Deptt. of the State Government and entrusting the responsibility of monitoring to the Secretary of that Deptt.

Making Inspectors appointed under Section 17 of the Child Labour (Prohibition and Regulation) Act, 1986 fully accountable to the District Magistrate and the latter to keep a close and constant surveillance on the performance of these Inspectors.

(c): No, Sir. The State Governments are complying with the guidelines issued by the Hon`ble Supreme Court relating to child labour and have been submitting their reports in this regard. Based on these reports, the Hon`ble Supreme Court is apprised of the action taken by the State Governments through affidavits filed by this Ministry.

(d) & (e): Does not arise.